IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Bail Appl..No. 6769 of 2007()

CMC.1125/2007 of D.C. & SESSIONS COURT,KOZHIKODE
CRIME NO.147/03 OF NADAPURAM POLICE STATION

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PETITIONERS : ACCUSED:

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1. NOUSHAD, AGED 24 YEARS,
   S/O.ABDULLA, MOTTEMMAL HOUSE, IYYANKODE AMSOM
   DESOM. (ACCUSED NO.1)

2. ASHRAF, AGED 35 YEARS,
   S/O.MAMMU HAJI, THAYYALLAHTIL,
   IYYANKODE AMSOM DESOM. (ACCUSED NO.2)

3. RASAK, AGED 37 YEARS,
   S/O.KUHAMMAD MUSLIAR, PUTHANPURAYIL HOUSE,
   IYYANKODE AMSOM DESOM. (ACCUSED NO.6)

BY ADV. SRI.M.ASOKAN
SRI.DEVAPRASANTH.P.J.

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY SHO,
NADAPURAM POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6769 of 2007

Dated this the 6th day of November, 2007

ORDER

Application for regular bail. Petitioners are accused 1, 2 and 6. They face indictment in a prosecution under the provisions of the Explosive Substances Act.

2. Investigation is completed. Final report has already been filed. Cognizance has been taken by the learned Magistrate. Committal proceedings has been registered. Consequent to non appearance of the petitioners, the case against them has been transferred to the list of Long Pending Cases. Coercive processes have been issued by the learned Magistrate. The petitioners had surrendered before the learned Magistrate on 23.10.07. Their application for bail was rejected by the learned Magistrate. The petitioners continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The petitioners may now be enlarged on bail. They may not be compelled to remain in custody until trial against them is completed, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor submits that appropriate conditions may be imposed to ensure that the petitioners shall be available for trial.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can be released on bail subject to appropriate terms and conditions.

5. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall not leave the State of Kerala until the case against them is finally disposed of except with the permission of the learned Magistrate;

iii) The petitioners shall report before the S.H.O, Nadapuram Police Station between 5 p.m and 6 p.m on the first Mondays of all English Calendar Months until such case against them is disposed of.

(R.BASANT, JUDGE)

rtr/-